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6 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 HECTOR FERNANDO ZAMBRANO-  
REYES,

12 Defendant.

2:14-cr-103-GMN-VCF

STIPULATION TO CONTINUE  
GOVERNMENT'S DEADLINE TO  
RESPOND TO MOTION FOR RELIEF  
FROM PREJUDICIAL JOINDER  
(Second Request)

13 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
14 States Attorney, and Amber M. Craig, Assistant United States Attorney, counsel for the United  
15 States of America, and Osvaldo Fumo, Esq., counsel for Defendant Hector Zambrano-Reyes, that  
16 the Government's deadline to respond to the Defendant's Motion for Relief from Prejudicial Joinder,  
17 currently set for March 6, 2015, be vacated and continued for two weeks, or to a date to be set at the  
18 Court's convenience.

19 This stipulation is entered into for the following reasons:

- 20 1. The parties are engaged in plea negotiations which may resolve the case without the need  
to litigate the motion, and additional time is needed for the negotiations.
- 22 2. The Defendant is in custody and does not object to the continuance.
- 23 3. For the reasons stated above, the ends of justice would best be served by a continuance of  
24 the response deadline.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

6. This is the second request for a continuance filed herein.

DATED this 6th day of March, 2015.

DANIEL G. BOGDEN  
United States Attorney

/s/ Osvaldo Fumo  
OSVALDO FUMO, ESQ.  
Counsel for Defendant Zambrano-Reyes

/s/ *Amber M. Craig*  
AMBER M. CRAIG  
Assistant United States Attorney

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2                   **UNITED STATES DISTRICT COURT**  
3                   **DISTRICT OF NEVADA**

4                   **-oOo-**

5                   UNITED STATES OF AMERICA,

6                   Plaintiff,

7                   vs.

8                   HECTOR FERNANDO ZAMBRANO-  
9                   REYES,

10                  Defendant.

11                  **2:14-cr-103-GMN-VCF**

12                  **FINDINGS OF FACT, CONCLUSIONS**  
13                  **OF LAW, AND ORDER**

14                  **FINDINGS OF FACT**

15                  Based upon the pending Stipulation of counsel, and good cause appearing therefore, the  
16                  Court finds that:

- 17                  1. The parties are engaged in plea negotiations which may resolve the case without the need  
18                  to litigate the motion, and additional time is needed for the negotiations.  
19                  2. The Defendant is in custody and does not object to the continuance.  
20                  3. For the reasons stated above, the ends of justice would best be served by a continuance of  
21                  the response deadline.  
22                  4. Additionally, denial of this request for continuance could result in a miscarriage of  
23                  justice.  
24                  5. The additional time requested by this Stipulation is excludable in computing the time  
within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18,  
United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

25                  **CONCLUSIONS OF LAW**

26                  The ends of justice served by granting said continuance outweigh the best interest of the

1 public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely  
2 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
3 within which to be able to effectively and thoroughly prepare for trial, taking into account the  
4 exercise of due diligence.

5 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United  
6 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

7 **ORDER**

8 IT IS THEREFORE ORDERED that the Government's deadline to file its response to  
9 Defendant's Motion for Relief from Prejudicial Joinder, currently scheduled for March 6, 2015, be  
10 vacated and continued to the 20th day of March, 2015.

11 DATED this 12th day of March, 2015.

12   
13 HONORABLE CAM FERENBACH  
14 UNITED STATES MAGISTRATE JUDGE

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